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10 COMPASS PARTNERS, LLC,
11 COMPASS USA SPE, LLC,
12 BORIS PISKUN, AND DAVID BLATT

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

11 IN RE: Case No. 2:07-CV-892-RCJ-GWF-BASE
12 USA COMMERCIAL MORTGAGE Consolidated with Case Nos.
13 COMPANY, 2:07-cv-1389-RCJ-GWF
14 Debtor. 3:07-cv-00241-RCJ-GWF
15 3685 SAN FERNANDO LENDERS, LLC, 2:07-cv-00894-RCJ-GWF
16 *et al.*,
17 Plaintiffs,
18 v.
19 COMPASS USA SPE, LLC, *et al.*,
20 Defendant.

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22 **TRIAL EXHIBIT LIST OF DEFENDANTS COMPASS PARTNERS, LLC,**
23 **COMPASS USA SPE, LLC, BORIS PISKUN, AND DAVID BLATT**

24 Defendants COMPASS PARTNERS, LLC, COMPASS USA SPE, LLC, BORIS
25 PISKUN and DAVID BLATT, to the extent the Court will permit them to designate exhibits and
26 move for their entry into evidence during trial in light of the January 25, 2010 entry of default
27 against them, hereby adopts and incorporates by this reference the Exhibit List submitted by
28

1 Defendants Silar Advisors, LP, Silar Special Opportunities Fund, LP, and the Exhibit List
2 submitted by Asset Resolution, LLC.

3 In the event the finder of fact determines that an award of punitive damages should be
4 entered against the Compass entities, Mr. Piskun, or Mr. Blatt, they reserve the right to offer
5 testimonial or documentary evidence of their net worth so that the award may be tailored to
6 avoid an award which is excessive in light of financial wherewithal of the Defendants.¹ Such

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17 ¹ See *Ace Truck & Equip. Rentals v. Kahn*, 103 Nev. 503, 511, 746 P.2d 132 (1987), in
18 which the Nevada Supreme Court held, "The compensatory award, quite large under the
19 circumstances, reduces the estate of each defendant substantially. If Berman and Pecson each
20 had to pay half of the \$391,049.00 compensatory award, then the punitive award against Berman
21 would be calculated at forty-three percent of his assets, and the punitive award against Pecson
would be calculated at seventy percent of his assets. These are indeed excessively and
disproportionately punitive under the circumstances. We hold the awards to be clearly excessive
and disproportionate as a matter of law."

22 In the case of *Tahoe Village Realty, S.A. C.O. v. DeSmit*, 95 Nev. 131, 135-136, 590 P.2d
23 1158 (1979), the Nevada Supreme Court held that it was appropriate for the trial court to rely
24 upon the testimony of the defendants (apparently solicited by the *plaintiff* during a prove up
25 hearing) about one another's net worth in assessing punitive damages following entry of a
26 default. "Appellants also argue that the only evidence of the financial worth of some of them
27 was the testimony of other appellants. They assert that such evidence is an insufficient basis for
28 the court to determine financial worth. However, in *Caple*, this court refused to reverse an award
of punitive damages where no indication of the financial worth of the defendant was presented at
trial. In the absence of such evidence, we stated that we were in no position to question the
amount of the award. Therefore, having refused to find an award of punitive damages improper
where no evidence of financial worth was presented, it seems clear that the trial court in this case
could properly rely on the uncontroverted evidence of financial worth presented."

1 documentary evidence may include audited or unaudited financial statements, bank statements,
2 or other account statements.

3 DATED this 12th day of May, 2010.

4 LAXALT & NOMURA, LTD.

6 By: 

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CERTIFICATE OF SERVICE

Pursuant to FRCP 5(b), I certify that I am an employee of LAXALT & NOMURA, LTD., and that on this 12th day of May, 2010, I caused a true and correct copy of the foregoing to be served:

 VIA ELECTRONIC SERVICE

addressed as follows:

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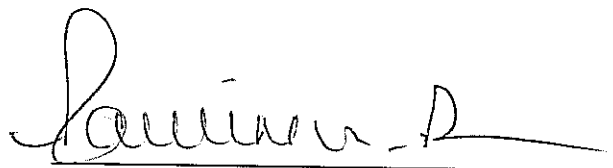
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